

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6633

BILL NUMBER: HB 1154

NOTE PREPARED: Feb 19, 2010

BILL AMENDED: Feb 18, 2010

SUBJECT: Marion County Courts.

FIRST AUTHOR: Rep. Pryor

FIRST SPONSOR: Sen. Schneider

BILL STATUS: CR Adopted - 2nd House

FUNDS AFFECTED: X **GENERAL**
DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

- A. It provides that a commissioner appointed in the Marion County courts has all of the powers and duties prescribed for a magistrate. It specifies that if a commissioner appointed in Marion County is appointed as a magistrate, the salary of that magistrate shall be paid by the state in the same amount as other magistrates are paid. It provides for the allocation of appointments of commissioners in Marion County.
- B. It provides that in addition to any judgment otherwise entered in Marion County for a traffic violation constituting an infraction, an additional judgment amount of not more than \$35 may be entered for the traffic violation. It specifies that this additional judgment amount for infraction judgments imposed in Marion County for traffic violations shall be transferred to a dedicated county fund. It provides that money in the dedicated county fund may be used, after appropriation by the county fiscal body, only to: (1) pay compensation of commissioners; (2) pay costs of the county's guardian ad litem program; or (3) pay costs of operating courts.

Effective Date: July 1, 2010; January 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Revenue Loss to State General Fund* – If the Marion County courts continue assessing the added \$35 for traffic infractions and the actual collection rates continue, LSA anticipates that annual revenues from Marion County would be in the range of \$2.1 M. As proposed, these revenues would no longer be deposited in the state General Fund but would be retained by Marion County.

Background—Prior to 2004, Marion County courts routinely charged \$110 for each infraction. Beginning in July 2004, Marion County courts increased the total traffic ticket to \$150 by adding a \$40 Jail Bed Fee to pay for the cost of new jail beds.

When the Marion County Superior Court decided to implement the Odyssey Case Management System in 2008-2009, the Indiana Supreme Court's Judicial Technology Automation Project audited the business practices. During the analysis, the Supreme Court staff discovered that the Jail Bed Fee was not authorized by state law. Instead, the court's executive committee increased the infraction judgment to \$35 beginning in February 2009.

[Note: Marion County's courts have the discretion to reduce the amount charged for infraction judgements. The reduced infraction would also reduce the revenue currently to be deposited in the state General Fund.]

Explanation of Local Expenditures: (Revised) Marion County would be permitted to pay for the costs of the court commissioners, the cost of the guardian ad litem fund, or the costs of operating the courts from the newly created dedicated fund. The county fiscal body would appropriate the funds as needed.

Marion County estimates that it might need to pay \$1.5 M for guardian ad litem services for Children in Need of Services (CHINS). Marion County currently pays about \$2.33 M for 24 commissioners. The commissioners are hearing officers similar to magistrates. Their average salary and benefits are \$93,187.

Explanation of Local Revenues: (Revised) *New Revenue for Marion County*—Revenue from the additional \$35 judgment for traffic infractions would be deposited into a new dedicated county fund that may be used after appropriation by the county fiscal body. Use of the funds would be limited to the following: (1) to pay the salaries of commissioners; (2) to pay for Marion County's guardian ad litem fund; and (3) to pay for the costs of operating the courts in Marion County.

State Agencies Affected:

Local Agencies Affected: Marion County Circuit and Superior Courts.

Information Sources: Heather Welch, Marion Superior Court Civil Division #12; Mary Deprez, Director and Counsel for Trial Court Technology, Indiana Supreme Court.

Fiscal Analyst: Mark Goodpaster, 317-232-9852.